

12

The First Numbered Treaties, Police, and the Indian Act

Chapter Outline

This chapter discusses the numbered treaties, arrival of the North West Mounted Police, and portions of the 1876 Indian Act. It begins with an explanation of how both Indigenous Peoples and the government viewed treaties. Whereas the former saw treaties as living agreements that could be renegotiated over time, the government considered treaties as extinguishing Aboriginal title to land altogether. Different understandings of “what” treaties actually represent in terms of agreements are still subject to interpretation today.

Treaties One and Two set the terms for the allocation of reserve lands, and other provisions such as agricultural assistance, annuities and hunting and fishing rights; however, some of these oral promises made during negotiations did not show up in the later written drafts. Thus, the negotiations of Treaty Three were more prolonged and difficult, with more generous terms that set precedents for later treaties. Indigenous Peoples were now exerting more political assertiveness and were also more familiar with governmental negotiation processes and style. Treaty Six also added two significant provisions, that of a medicine chest and provisions for rations in case of famine. The last great gathering of independent First Nations took place at Blackfoot Crossing, for the signing of Treaty Seven, which essentially allowed the government to secure the western frontier for settlement. Altogether, between 1871 and 1921, 11 numbered treaties were signed. In exchange for access to land occupied by Indigenous nations, Canada provided guarantees of certain rights, some of these included reserves; annuities; health care; education; rights to hunt, fish, and trap; and, amounts of seed, livestock, and implements.

Additionally, in 1873 the Canadian government created and sent the North West Mounted Police west to rid the area of American whisky traders and to enforce British justice on the Canadian prairies. All of these initiatives were pursued to help ready the west for settlement. Additionally, there was the movement into Canada of the American Hunkpapa Dakhóta (Sioux) under *Thaŋka Íyotake* (Sitting Bull), adding to an already-tense situation as the buffalo continued to disappear and Indigenous nations of the prairies feared for their very existence.

Further, in the middle of treaty negotiations, the Canadian government quietly passed the Indian Act in 1876, making all Indians wards of the government. The Indian Act consolidated and revised earlier legislation, putting it into one piece of legislation and thus making it easier to administer. The Act also maintained its fundamental purpose to assimilate Indigenous Peoples, thereby introducing the enactment of sections that, to name but a few, banned the spiritual life of Indigenous Peoples with what became known as the Potlatch Law, established the voluntary and involuntary enfranchisement of people, undermined tribal leadership, and attacked women through the marriage sections of the Act. The Superintendent General of Indian Affairs was given wide-sweeping powers with the ability

to impose an elected system of band governance; not only could he call for and supervise an election, he could also summon and preside over band meetings. This upward spiral of control saw various forms of Indigenous resistance and revitalization movements such as the Ghost Dance and Millarianism. However, in spite of government-stated objectives of assimilation, strong opposition and the ultimate revocation of the Franchise Bill (which would have given Indigenous Peoples the franchise by simply meeting minimum property qualifications), also indicates that Canada was not yet ready to accept Indigenous Peoples on equal footing.

Learning Objectives

- To understand the different views of treaties held by the government and the Indigenous Peoples who signed them
- To understand the purpose and intent of the numbered treaties
- To identify and understand treaty rights and their application
- To recognize the assimilationist sections of the Indian Act

Key Terms, Figures or Sites

Cypress Hills Indigenous sacred place, and gathering place, in southern Saskatchewan and Alberta; the site of the murders of 20–30 Nakoda people at the hands of American “wolfers” in 1873 (p. 211).

Ghost Dance (Spirit Dance) Religious circle dance of numerous western US Indigenous groups, derived from the 1889 prophecy and subsequent teaching of the Paiute pacifist prophet Wovoka (Jack Wilson) foretelling a peaceful end to European expansion. Newcomer fears of Indigenous activism related to the Ghost Dance contributed to the 1890 massacre of Lakhota people by the US Army at Wounded Knee in South Dakota and in the 1890s the dance appeared on Lakhota reserves in Canada (p. 217).

Indian Act Canadian legislation enacted in 1876 that continues with amendments to the present day and that defines the relationship between registered status Indians and the federal government (p. 214).

Isapo-Muxika (Crowfoot, c. 1830–90) Siksika chief in what is now southern Alberta, a chief negotiator for Treaty Seven, and adoptive father of Pítkwahanapiwīyin (p. 213).

Mawedopenais Ojibwa chief and leading participant in Treaty Three negotiations at Fort Francis in 1873 (p. 210).

medicine chest Phrase included in Treaty Six, negotiated between First Nations of central Saskatchewan and Alberta and the federal government in 1876, that became the legal basis for free health care for all Indigenous Peoples (p. 213).

Millenarianism Religious belief in and anticipation of a sudden, imminent change in the social order, anticipating prosperity and happiness (p. 217).

North West Mounted Police (NWMP) Police force created by 1873 legislation and sent to what is now western Canada in 1874 to maintain order, primarily by curtailing the whisky trade, and to encourage newcomer settlement. In 1904, the force was given the prefix “Royal,” and in 1920 it was merged with the Dominion Police to form the Royal Canadian Mounted Police. (p. 211).

Tamanawas rituals Religious ceremonies of western and Pacific coast First Nations people involving dancing. These and other rituals were banned from 1884 to 1951 (p. 216).

thirst dances (sun dances) Rituals practised primarily in the Plains area involving privation and self-torture. The Canadian government banned them in the 1895 because they fuelled Indigenous resistance of assimilation. The ban was lifted in 1951 (p. 217).

Study Questions

1. Why did Canada want to negotiate the numbered treaties?
2. Why did Indigenous Peoples want to negotiate the numbered treaties?
3. What oral promises from Treaties One and Two did not make it into the written draft of treaty provisions?
4. Why were the North West Mounted Police created and what was its role in western Canada?
5. What were ‘wolfers’ and why were they despised by Nakoda and Plains Cree peoples?
6. After the Battle of Little Big Horn, and coming to Canada with his followers, why was Tȥathȥanka İyotake (Sitting Bull) forced to return to the U.S.?
7. What are two significant treaty provisions negotiated in Treaty Six?
8. In the consolidation of the previous legislation into the Indian Act of 1876, what older provisions remained and what changed?
9. What is a potlatch and why did the Canadian government take the position to abolish it?
10. What was the Indian Advancement Act and what was the intent of this legislation?
11. What was the Franchise Bill and why was it so heavily opposed by non-Indigenous people?

Essay Questions

1. Discuss the main differences between pre-Confederation treaties and the numbered treaties signed after Confederation.

Although many treaties were signed before Confederation, these did not have the same purpose as the numbered treaties. Pre-Confederation treaties were peace and friendship agreements aimed at sharing land and resources. Numbered treaties were aimed specifically at extinguishing Indigenous right to lands, acquiring land for the Crown, and establishing reserves for the First Peoples. These treaties recognized the right for Indigenous Peoples to use the lands for hunting and fishing, but they did not recognize Indigenous sovereignty over these lands or ownership in fee simple. In the government's eye, their obligations with regards to treaties were moral, not legal, in nature contrary to Indigenous perspectives (pp. 206-207).

2. Describe some of the strategies included in the Indian Act that would implement its goal of assimilating Indigenous Peoples.

Many provisions of the Indian Act were aimed at enfranchisement, which meant losing Indian status and gaining the franchise. For example, if a First Nation woman married a non-Indigenous man, she and her children would lose their status. If any member of a First Nation earned a university degree that granted him professional status as a minister, lawyer, doctor, or teacher, he would lose his status. Other measures were more directly related to the legal definition of an 'Indian'. Specifically, only a person registered as an 'Indian' was entitled to that status. These were only some of the provisions intended to accomplish assimilation (pp. 215-216).

3. What made Isapo-Muxika (Crowfoot) an important Indigenous leader?

Isapo-Muxika (c. 1830–90) was not a hereditary Siksika, but he was adopted into the Siksika tribe. As an outsider, he was able to develop relations with all people in western Canada including Euro-Canadian fur-traders, missionaries, and even the NWMP. He used these relationships to help him fight the illegal trade of whisky and rifles, which were destructive to the First Nations in both the Canadian and American West. His collaborative spirit and his willingness to work with the NWMP and other First Nations leaders helped him quell violence in the settling of Siksika territory (p. 213).

Additional Resources

Further Readings

Atleo, Richard. *Tsamalk: A Nuu-chuh-nulth World View*. Vancouver: University of British Columbia Press, 2005.

Cardinal, Harold. *The Unjust Society: The Tragedy of Canada's Indians*. Edmonton: Hurtig, 1969.

Dempsey Hugh A. *Crowfoot: chief of the Blackfeet*. Edmonton: Hurtig, 1972.

Kehoe, Alice B. *The Ghost Dance*. Toronto: Holt, Rinehart and Winston, 1989.

Morris, Alexander. *The treaties of Canada with the Indians of Manitoba and the North-West Territories: including the negotiations on which they were based, and other information relating thereto*. Toronto: Bedfords, Clarke & Co., 1880.

Petersen, Jacqueline, and Jennifer S. Brown, eds. *The New Peoples: Being and Becoming Metis in North America*. Winnipeg: University of Manitoba Press, 1985.

Pettipas, Katherine. *Severing the Ties that Bind: Government Repression of Indigenous Religious Ceremonies on the Prairies*. Winnipeg: University of Manitoba Press, 1994.

Ray, Arthur J., Jim Miller, and Frank J. Tough. *Bounty and Benevolence: A History of Saskatchewan Treaties*. Montreal: McGill–Queen’s University Press, 2000.

Sherwin, Allan. *Bridging Two Peoples: Chief Peter Jones, 1843–1909*. Waterloo: Wilfrid Laurier University Press, 2013.

St. Germain, Jill. *Broken Treaties: United States and Canadian Relations with the Lakotas and the Plains Cree, 1868–1885*. Lincoln: University of Nebraska Press, 2009.

Talbot, Richard. *Negotiating the Numbered Treaties: An Intellectual and Political Biography of Alexander Morris*. Saskatoon: Purich Publishing, 2009.

Websites

Libraries and Archives Canada - Treaties

- <http://www.collectionscanada.gc.ca/aboriginal-heritage/020016-3008-e.html>

Indigenous Services Canada - Indian Act

- https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/1876c18_1100100010253_eng.pdf

The Media Coop - “Know Your Rights: a treaty primer for non-Natives”

- <https://www.mediacoop.ca/blog/dru/15600>

Indigenous Services Canada - The Numbered Treaties (1871–1921)

- <https://www.aadnc-aandc.gc.ca/eng/1360948213124/1360948312708>